



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Poonam Agarwal *et al.*
Serial No.: 09/713,601
Filed: 11/15/2000
Entitled: **Methods And Compositions For Detecting Target Sequences**
Group No.: 1645
Examiner:

RESPONSE TO NOTICE TO FILE MISSING PARTS

Application Processing Division,
Special Processing and Correspondence Branch
Assistant Commissioner for Patents
Washington, D.C. 20231

<p align="center">CERTIFICATE OF MAILING UNDER 37 CFR § 1.8(a)</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231, on April 20, 2001.</p> <p align="right">By: <u>Mary Ellen Waite</u> Mary Ellen Waite</p>

Sir or Madam:

In response to the Notice to File Missing Parts of Application -- Filing Date Granted (Form PTO-1533) mailed **02/20/2001** (a copy of which is enclosed), applicants submit the following documents:

- ▶ Executed declaration or oath
- ▶ an Assignment document for recording whereby the subject application and the invention disclosed therein is assigned to Third Wave Technologies, Inc., 502 South Rosa Road, Madison, WI 53719 and a Recordation Form Cover Sheet -- Patents Only (Form PTO-1595)
- ▶ Power of Attorney by Assignee

A check in the amount of **\$105.00** is enclosed herewith to cover:

\$65.00 surcharge for filing missing parts of an application

\$40.00 recordation fee

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. **08-1290**. **An originally executed duplicate of this transmittal is enclosed for this purpose.**

Dated: April 20, 2001

David A. Casimir
David A. Casimir
Registration No. 42,395

MEDLEN & CARROLL, LLP
220 Montgomery Street, Suite 2200
San Francisco, California 94104
415/705-8410

SECTOR\$



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/713,601	11/15/2000	Brian D. Aizenstein	FORS-04905

CONFIRMATION NO. 9798

FORMALITIES LETTER



OC000000005715949

MEDLEN & CARROLL, LLP
Suite 2200
220 Montgomery Street
San Francisco, CA 94104

Date Mailed: 02/20/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

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65.00 DP

- The balance due by applicant is \$ 65.

The following item(s) appear to have been **omitted** from the application:

- Figure(s) **Fig 107** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the Patent and Trademark Office (PTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(i))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the PTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the PTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the PTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the PTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the PTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE